



INTERIOR BOARD OF INDIAN APPEALS

Ann Tryon v. Acting Assistant Secretary - Indian Affairs

13 IBIA 30 (09/10/1984)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ANN TRYON,	:	Order Docketing and Dismissing Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 84-48-A
ACTING ASSISTANT SECRETARY FOR	:	
INDIAN AFFAIRS,	:	
Appellee	:	September 10, 1984

On August 31, 1984, the Board of Indian Appeals (Board) received a notice of appeal from Ann Tryon (appellant), through counsel, Andrew H. Salter, Esq., Seattle, Washington. Appellant seeks review of a June 29, 1984, decision of the Acting Assistant Secretary for Indian Affairs that refused to approve a July 6, 1980, sale of Indian trust land to appellant. Appellant states that the decision was not received until July 7, 1984, and that the appeal is, therefore, timely.

The case is hereby docketed under the above case name and number.

Although appellant did not attach a copy of the decision being appealed to the notice of appeal, the Board received a copy of the decision on July 11, 1984, in accordance with the requirements of 25 CFR 2.19(d). The decision was signed by the Acting Assistant Secretary for Indian Affairs. Decisions of the Acting Assistant Secretary are equivalent to decisions rendered by the Assistant Secretary. See Ute Mountain Ute Tribe v. Acting Assistant Secretary for Indian Affairs, 11 IBIA 168 (1983). The Board does not have general review authority over decisions of the Assistant Secretary except as those decisions may be specially referred to it on a case-by-case basis or through rulemaking. See Pueblo of Laguna v. Assistant Secretary for Indian Affairs, 12 IBIA 80, 90 I.D. 521 (1983); 25 CFR 13.15. This matter has not been referred to the Board.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1 this appeal from the Acting Assistant Secretary's June 29, 1984, decision is dismissed.

//original signed
Jerry Muskrat
Administrative Judge

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Bernard V. Parrette
Chief Administrative Judge

//original signed
Anne Poindexter Lewis
Administrative Judge